

**LOCAL REFERENDA AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Candice B. Pierucci

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to local referenda.

**Highlighted Provisions:**

This bill:

- ▶ amends signature threshold requirements relating to a proposed referendum on a county land use law; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-7-601**, as last amended by Laws of Utah 2019, Chapters 203 and 255

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-7-601** is amended to read:

**20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws and subjurisdictional laws -- Time requirements.**

(1) As used in this section:



28 (a) "Number of active voters" means the number of active voters in the county, city, or  
29 town on the immediately preceding January 1.

30 (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
31 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

32 (c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a  
33 local legislative body that imposes a tax or other payment obligation on property in an area that  
34 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,  
35 or metro township.

36 (ii) "Subjurisdictional law" does not include a land use law.

37 (d) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)  
38 or (2)(b).

39 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local  
40 law passed by the local legislative body submitted to a vote of the people shall obtain legal  
41 signatures equal to:

42 (a) for a county of the first class:

43 (i) 7.75% of the number of active voters in the county; and

44 (ii) [~~beginning on January 1, 2020;~~] 7.75% of the number of active voters in at least  
45 75% of the county's voter participation areas;

46 (b) for a metro township with a population of 100,000 or more, or a city of the first  
47 class:

48 (i) 7.5% of the number of active voters in the metro township or city; and

49 (ii) [~~beginning on January 1, 2020;~~] 7.5% of the number of active voters in at least 75%  
50 of the metro township's or city's voter participation areas;

51 (c) for a county of the second class:

52 (i) 8% of the number of active voters in the county; and

53 (ii) [~~beginning on January 1, 2020;~~] 8% of the number of active voters in at least 75%  
54 of the county's voter participation areas;

55 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
56 a city of the second class:

57 (i) 8.25% of the number of active voters in the metro township or city; and

58 (ii) [~~beginning on January 1, 2020;~~] 8.25% of the number of active voters in at least

- 59 75% of the metro township's or city's voter participation areas;
- 60 (e) for a county of the third class:
- 61 (i) 9.5% of the number of active voters in the county; and
- 62 (ii) [~~beginning on January 1, 2020;~~] 9.5% of the number of active voters in at least 75%
- 63 of the county's voter participation areas;
- 64 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 65 city of the third class:
- 66 (i) 10% of the number of active voters in the metro township or city; and
- 67 (ii) [~~beginning on January 1, 2020;~~] 10% of the number of active voters in at least 75%
- 68 of the metro township's or city's voter participation areas;
- 69 (g) for a county of the fourth class:
- 70 (i) 11.5% of the number of active voters in the county; and
- 71 (ii) [~~beginning on January 1, 2020;~~] 11.5% of the number of active voters in at least
- 72 75% of the county's voter participation areas;
- 73 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
- 74 city of the fourth class:
- 75 (i) 11.5% of the number of active voters in the metro township or city; and
- 76 (ii) [~~beginning on January 1, 2020;~~] 11.5% of the number of active voters in at least
- 77 75% of the metro township's or city's voter participation areas;
- 78 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
- 79 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
- 80 township, city, or county; or
- 81 (j) for a metro township with a population of less than 1,000, a town, or a county of the
- 82 sixth class, 35% of the number of active voters in the metro township, town, or county.
- 83 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use
- 84 law or local obligation law passed by the local legislative body submitted to a vote of the
- 85 people shall obtain legal signatures equal to:
- 86 [~~(a) for a county of the first, second, third, or fourth class;~~]
- 87 (a) for a local obligation law in a county:
- 88 (i) 16% of the number of active voters in the county; and
- 89 (ii) [~~beginning on January 1, 2020;~~] 16% of the number of active voters in at least 75%

90 of the county's voter participation areas;

91 ~~[(b) for a county of the fifth or sixth class:]~~

92 (b) for a land use law in a county, [(†)] 16% of the number of active voters in the  
93 county; [and]

94 ~~[(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%~~  
95 ~~of the county's voter participation areas;]~~

96 (c) for a metro township with a population of 100,000 or more, or a city of the first  
97 class:

98 (i) 15% of the number of active voters in the metro township or city; and

99 (ii) ~~[beginning on January 1, 2020,]~~ 15% of the number of active voters in at least 75%  
100 of the metro township's or city's voter participation areas;

101 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
102 a city of the second class:

103 (i) 16% of the number of active voters in the metro township or city; and

104 (ii) ~~[beginning on January 1, 2020,]~~ 16% of the number of active voters in at least 75%  
105 of the metro township's or city's voter participation areas;

106 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a  
107 city of the third class:

108 (i) 27.5% of the number of active voters in the metro township or city; and

109 (ii) ~~[beginning on January 1, 2020,]~~ 27.5% of the number of active voters in at least  
110 75% of the metro township's or city's voter participation areas;

111 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a  
112 city of the fourth class:

113 (i) 29% of the number of active voters in the metro township or city; and

114 (ii) ~~[beginning on January 1, 2020,]~~ 29% of the number of active voters in at least 75%  
115 of the metro township's or city's voter participation areas;

116 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a  
117 city of the fifth class, 35% of the number of active voters in the metro township or city; or

118 (h) for a metro township with a population of less than 1,000 or a town, 40% of the  
119 number of active voters in the metro township or town.

120 (4) A person seeking to have a subjurisdictional law passed by the local legislative

121 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
122 subjurisdiction equal to:

123 (a) 10% of the number of active voters in the subjurisdiction if the number of active  
124 voters exceeds 25,000;

125 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of  
126 active voters does not exceed 25,000 but is more than 10,000;

127 (c) 15% of the number of active voters in the subjurisdiction if the number of active  
128 voters does not exceed 10,000 but is more than 2,500;

129 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
130 voters does not exceed 2,500 but is more than 500;

131 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
132 voters does not exceed 500 but is more than 250; and

133 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
134 voters does not exceed 250.

135 (5) (a) Sponsors of any referendum petition challenging, under Subsection (2), (3), or  
136 (4), any local law passed by a local legislative body shall file the application before 5 p.m.  
137 within seven days after the day on which the local law was passed.

138 (b) Except as provided in Subsection (5)(c), when a referendum petition has been  
139 declared sufficient, the local law that is the subject of the petition does not take effect unless  
140 and until the local law is approved by a vote of the people.

141 (c) When a referendum petition challenging a subjurisdictional law has been declared  
142 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless  
143 and until the subjurisdictional law is approved by a vote of the people who reside in the  
144 subjurisdiction.

145 (6) If the referendum passes, the local law that was challenged by the referendum is  
146 repealed as of the date of the election.

147 (7) Nothing in this section authorizes a local legislative body to impose a tax or other  
148 payment obligation on a subjurisdiction in order to benefit an area outside of the  
149 subjurisdiction.